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INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

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SECTION 5 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

501 Scope and Purpose

The Interstate Compact on the Placement of Children (ICPC) provides a legal procedure that guarantees that children placed on an interstate basis will receive appropriate care and protection. Specifically, the ICPC:

- (1) provides for family preparation assessments (home studies) prior to placement;
- (2) allows the prospective receiving state to ensure that all its applicable child placement laws and policies are followed before it approves an interstate placement;
- (3) gives the prospective receiving state the opportunity to consent to or deny a placement before it is made;
- (4) provides for continual supervision and regular reports on each interstate placement;
- (5) guarantees the child legal protection by fixing responsibilities for appropriate care and protection of the child with the sending agency;
- (6) ensures that the sending agency retains legal jurisdiction of the child once the child is moved to the receiving state and provides for the child's return, if necessary; and
- (7) provides for reunification services.

All states, as well as the District of Columbia and the Virgin Islands have adopted the ICPC and comply with uniform rules and procedures.

502 Legal Base

The following statutes govern the Interstate Compact on the Placement of Children (ICPC) in the State of Indiana:

- (1) Interstate Compact on the Placement of Children (ICPC) (IC 12-17-8);
- (2) Adoption Code (IC 31-19);
- (3) Indiana Juvenile Code (IC 31-30 through IC 31-40);
- (4) Federal Interethnic Adoption Provisions (IEAP) (42 USC 1996b);
- (5) Indiana Administrative Code (IAC) rules made pursuant to IC 4-22-2 that define:
 - (a) placements which require Division of Family and Children (DFC) approval; and
 - (b) the basis on which DFC approval of interstate and intercountry placements are made (470 IAC 3-5.1);
- (6) Indian Child Welfare Code (21 USC 1903 and 24 USC 1602c); and
- (7) Federal Orphan Adoption Provisions (45 CFR 204.3).

503 Exclusions and Exceptions

There are several situations in which an ICPC referral does not have to be completed.

503.1 Exclusions from the ICPC

A placement may be excluded from the ICPC if the placement of a child is made voluntarily between the following persons who are related to the child, as long as no court or other competent authority has custody of the child:

- (1) Parent(s);
- (2) Stepparent;
- (3) Grandparent(s);
- (4) Adult brother or sister;
- (5) Adult aunt or uncle;
- (6) Non-agency legal guardian (non-adoption referrals only).

Placement of a child for educational purposes into another state is not a part of the ICPC.

503.2 Exceptions

The following shall be sent directly to the local out-of-state agency:

- (1) Interstate protective service alerts.
- (2) Divorce/custody referrals. These are private studies, usually from a court.
(NOTE: Some states will not honor such a request.)
- (3) Supervisory or progress reports, to be distributed as follows:
 - (a) One (1) copy is to be sent to the local agency in the other state.
 - (b) Three (3) copies are to be sent to the Indiana ICPC Office.

504 Violations of ICPC Procedures

Violation of the terms of the ICPC law and procedures shall constitute a violation of the child placement laws of either state. A violation is punishable in either state in accordance with its laws. Any such violation may be sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending or receiving agency which allows it to place or care for children. There also may be other consequences if the other state perceives that a particular office or staff person has a pattern of frequent violations of the ICPC.

If a county office (COFC) is aware of a violation of the ICPC, a letter detailing the circumstances is to be sent to the Interstate Office, Deputy Compact Administrator. This

letter is to consist of a request for retroactive compliance by another state with the terms of the ICPC or an explanation of the reason why the COFC has violated ICPC rules.

The DFC is the authorized governmental agency legally authorized to administer the State of Indiana's child protection/child welfare program. The COFCs are the agents of the DFC that provide these services.

505 Processing Interstate Referrals for Interstate Placements

When an interstate placement is being considered, the sending agency is required to submit a referral packet to the Interstate Office. ICPC staff will ensure that all necessary documentation is included before forwarding it to the receiving state. **All foster care conversions to adoption require new referrals.** See subsection 506.1 for referral packet instructions.

The receiving state then will forward the packet to the appropriate agency in that state for action. The agency will be a local public or private child welfare agency or residential facility that is being asked to accept the child. The "action needed" on any particular request will vary depending upon the referral type. Such "action" may be a study of a prospective relative, parent, foster, or adoptive home, or a review of the child's appropriateness for placement in the proposed residential facility.

The receiving state's local agency is to complete the requested documentation, including a specific placement recommendation. This information is then returned to the Interstate Office in the receiving state for review. The receiving state's Interstate Office then sends the decision to the Indiana Interstate Office, from which it will be forwarded to the agency that originated the referral request.

Thirty (30) business days is the recommended time for completion of the necessary work. The 30 days begin when the receiving state receives the referral packet, and it ends when the receiving state sends the documentation, including the placement decision, to the sending state.

NOTE: There is an option for priority placement that is described in detail in Appendix A.

506 Procedures for Out-of-State Foster Care, Relative, Parent, and Child Caring Institution Placements

All COFCs, licensed child placing agencies (LCPAs) and courts wishing to place the children under their supervision out of state must complete an ICPC referral.

506.1 Referral Components

An ICPC referral packet for these types of placements must contain the following elements:

- (1) State Form 106/FPP 0100A Interstate Compact Placement Request signed by the sending agency.
 - (a) The referring COFC, LCPA, or court retains the goldenrod copy and forwards the remaining five (5) copies to the ICPC Office.
 - (b) See Appendix C for detailed instructions about form completion.

- (c) A complete State Form 106/FPP 0100A must be completed for each child being referred.

**THE FOLLOWING ITEMS MUST BE SUBMITTED IN TRIPLICATE:
(i. e., THREE IDENTICAL PACKETS)**

- (2) Cover letter detailing the reason for the referral including any specific issues that need to be addressed.
- (3) Child's social history. (See Appendix VV in Section 7.)
- (4) Child's medical history. (See Appendix KK in Section 7.)
- (5) Psychological and any other reports current within the past year.
- (6) Documentation of the child's legal status, including wardship/custody order or other applicable court order defining legal status of the child. This includes juveniles subject to probation for delinquent acts. If the wardship is over 18 months old, the most recent order must be included, as well as the order granting wardship. **NOTE: All court orders must be signed and dated by the presiding judge.**
- (7) State Form 2956 Case Plan I (Needs Assessment/Service Delivery for Child/Family); and State Form 45001 Case Plan II (Child Information/Service Plan for Substitute Caregivers).
- (8) State Form 49597/FPP 0100E Indiana Interstate Compact Financial/Medical Plan on the Placement of Children – If Child Is Placed Out-of-State. This form is to be completed after all available options have been thoroughly discussed and agreed to by the prospective caregiver(s). See Appendix E in this section.
- (9) Other pertinent records, such as school records, birth certificate, and Social Security card.

The referral packet to be submitted to the ICPC Office is to contain three (3) identical copies of the packet and one completed State Form 106/FPP 0100A (**five of the six plies**). See (1) above for details regarding form completion. Upon receipt, the ICPC Office will review the referral packet for accuracy and completeness, sign it, and forward it to the receiving state for referral to their local agency. If the sending agency (COFC or designee) does not send a complete referral packet, **placement delays** will occur if the ICPC Office has to return an incomplete packet.

Upon receipt of a report from that local agency, the receiving state's ICPC Office will forward the report and the State Form 106/FPP 0100A to the Indiana ICPC Office, indicating whether the placement is approved or denied. The Indiana ICPC Office will then send a copy of the report and the State Form 106/FPP 0100A to the Indiana COFC or LCPA making the referral. The approval is valid for six months.

506.2 Preliminary Contact

Nothing in this procedure prohibits an Indiana agency's direct preliminary contact with an appropriate local placement resource in another state to explore the feasibility of a

plan to place the child in that setting. **No formal linkage with another office may be established without ICPC approval.**

506.3 Interstate Placements from Another State

All other states wishing to place their wards in Indiana must complete an ICPC referral.

506.31 Requests for Family Preparation Assessments

Out-of-state requests for a family preparation assessment of an Indiana family must come directly through the ICPC Office. COFCs are not obligated to respond to requests which come directly from another state. If a COFC receives a request that does not come from the Indiana ICPC Office, the COFC must send the referral to the Indiana ICPC Office which will return it to the sending state and request a full interstate referral packet.

506.32 Family Preparation Assessment Process

Family preparation assessments for proposed foster care, relative, or parent placements of children from out-of-state must be completed in the same manner as those completed for an Indiana agency. (See Section 7, Appendix QQ.)

The completed family preparation assessment must be on agency letterhead and contain a specific placement recommendation. It must be signed and dated by the person who completed it. It must then be sent in triplicate to the ICPC Office for forwarding to the other state.

506.4 State Form 26174/DFC Form 100B Interstate Compact Report on Child's Placement Status

State Form 26174/ DFC 100B is to be forwarded to the ICPC Office whenever a placement change occurs. This form is used to advise the ICPC Office and the receiving state of initial placement dates, and/or closures of interstate referrals. It also serves to officially initiate supervision of the placement. A separate DFC 100B must be submitted for each change. Three (3) copies of this form must be forwarded to the ICPC Office, while one (1) copy remains with the sending agency in Indiana. See Appendix D for detailed instructions regarding form completion.

506.5 Supervisory Reports

When State Form 106/FPP 0100A is submitted, the sending agency must indicate specific services needed and the frequency with which supervisory reports must be submitted; such as monthly, or quarterly. For Indiana wards placed out of state, quarterly reports must be requested in accordance with the requirements of Title IV-E. Upon receipt of State Form 26147/DFC 100B notifying the receiving state of the placement, the receiving agency is to begin to provide these reports and any other services agreed to by the sending and receiving agencies.

If the placement becomes the permanent plan for the child, a recommendation for dismissal of wardship must be made as soon as the placement stabilizes. **Dismissal cannot be made without the concurrence of both ICPC Offices**

Three (3) copies of the supervisory reports must be sent to the ICPC Office. The ICPC Office must be notified if a copy has been sent directly to the local agency in the receiving state. If the supervisory report is a closure report recommending dismissal of jurisdiction by Indiana, three (3) copies must be directed to the ICPC Office.

506.6 Termination of Jurisdiction and Assignment of Legal Custody of the Child

Upon the recommendation of the receiving agency and the receiving ICPC Office, COCFs may dismiss their wardship of children who are placed out-of-state only if the Indiana ICPC Office concurs in this dismissal. **In so dismissing, the COCF must take necessary action to ensure that legal custody is given to the appropriate caregiver.**

Under the terms of the ICPC, the court of original jurisdiction (Indiana court) retains jurisdiction. The receiving state has no legal authority over the child(ren), except through the ICPC. The process is reversed if Indiana is the receiving state.

507 Procedures for Agency Interstate Adoptive Placements

All COFCs, or their designated licensed child placing agencies (LCPAs), and courts wishing to place their wards for out-of-state adoption must complete an ICPC referral.

507.1 Referral Components

An ICPC referral packet for agency adoptive placement must contain the following elements:

- (1) State Form 106/FPP 0100A Interstate Compact Placement Request, five (5) copies, signed by the sending agency.
 - (a) The COFC, LCPA, or the courts retain the goldenrod copy.
 - (b) See Appendix C for detailed instructions for form completion.

**ALL REFERRAL MATERIAL MUST BE SUBMITTED
IN TRIPLICATE: (i.e., THREE IDENTICAL PACKETS.)**

- (2) Cover letter detailing reason for the referral.
- (3) Child's social history. (See Appendix VV in Section 7.)
- (4) Child's medical history. (See Appendix KK in Section 7.)
- (5) Psychological and any other reports current within the past year.
- (6) Documentation of the child's legal status, including wardship /custody order.
NOTE: All court orders must be signed and dated by the presiding judge.
- (7) Court order of termination of parental rights (TPR), or signed consents to adoption by birth parents, or notice of publication on a missing parent regarding the adoption proceedings.
- (8) Native American statement included in the TPR order or the surrender attested to by both natural parents as stated below:

I am not an enrolled member of an Indian Tribe or an Alaskan Village; and, to the best of my knowledge, I am not eligible for membership in an Indian tribe nor an Alaskan Village.

- (9) Proof of publication or registration with the Indiana Putative Father Registry if there is a putative father whose rights have not been terminated or no birth father is named.
- (10) A legal risk agreement signed by the adoptive parents if the placement occurs prior to TPR.
- (11) A statement by the COFC or its designated LCPA describing counseling that has been provided to the birth parents concerning their rights and the services available to them if they chose to parent.
- (12) State Form 2956 Case Plan I (Needs Assessment/Service Delivery for Child/Family) and State Form 45001 Case Plan II (Child Information/Service Plan for Substitute Caregivers).
- (13) State Form 49597/FPP 0100E Indiana Interstate Compact Financial/Medical Plan – If Child Is Placed Out-of-State. This form is to be completed after all available options have been thoroughly discussed with and agreed to by the prospective adoptive parents.

The referral packet is then to be submitted to the ICPC Office with three (3) identical copies of the packet and one completed State Form 106/FPP 0100A (**five of the six plies**). See (1) above for details regarding form completion. Upon receipt, the ICPC Office will review the referral packet for accuracy and completeness, sign it, and forward it to the receiving state for referral to their local agency. If the sending agency (COFC or designee) does not send a complete referral packet, **placement delays** will occur if the ICPC Office has to return an incomplete packet.

Upon receipt of a report from that local agency, the receiving state's ICPC Office will forward the report and the State Form 106/FPP 0100A to the Indiana ICPC Office, indicating whether the placement is approved or denied. The Indiana ICPC Office will then send a copy of the report and the State Form 106/FPP 0100A to the Indiana COFC or LCPA making the referral.

507.2 Agency Adoption Procedures

All COFCs, LCPAs, and courts wishing to place the agency wards under their supervision for adoption out-of-state must complete an ICPC referral.

507.21 Specific References in Section 5 That Pertain to Agency Adoptions:

- (1) Preliminary Contact (subsection 506.2);
- (2) Interstate Placements from Another State (Subsection 506.3);
- (3) Requests for Family Preparation Assessments (subsection 506.31);
- (4) Family Preparation Assessment Process (subsection 506.32);

(5) State Form 26174/DFC Form 100B Interstate Compact Report on Child's Placement Status (subsection 506.4);

(6) Supervisory [Post-Placement] Reports (subsection 506.5).

507.3 Post-Placement (Supervisory) Reports

When State Form 106/FPP 0100A is submitted, the sending agency must indicate specific services needed and the frequency with which post-placement supervisory reports must be submitted, such as monthly, or quarterly. The sending agency also must specify a projection of the length of the supervisory oversight prior to finalization of the adoption.

507.4 Termination of Jurisdiction and Assignment of Legal Custody of the Child

After a period of supervision, a recommendation will be made by the supervising agency regarding finalization of the adoption. If the adoption is to proceed on the Indiana child placed out-of-state, the supervising agency in the other state is to send State Form 26174/DFC 100B, which includes the date of finalization, and a copy of the adoption decree to its Interstate Office. That Interstate Office will then forward it to Indiana's Interstate Office. The COFC will receive a copy of this State Form 27174/DFC 100B and can then terminate its custody. The Interstate case is then closed. If the child(ren) has been adopted, a valid adoption decree will validate custody.

507.5 Procedures for COFCs or Their Designated LCPA(s) in Interstate Adoptive Placements from Another State

The procedures are the same for the child placed into Indiana for adoption. Indiana now becomes the receiving state and assumes the receiving state responsibilities as written above.

The referral packet is then submitted in accordance with the final paragraphs of subsection 505.

508 Independent Interstate Adoptive Placements

Procedures for independent interstate adoptive placements differ from those for adoptive placements made through authorized child welfare agencies.

508.1 Placements into Indiana

Non-agency adoptive placements into Indiana require the approval of the Indiana ICPC Office. This type of adoptive placement occurs when no state-mandated child welfare agency in either the sending or receiving state is involved in the adoption.

508.11 Interstate Independent Adoptions Between LCPAs in Both the Sending and the Receiving State

If the child is to be adopted in Indiana, legal information must include verification that the child is legally free for adoption.

See subsection 508.2 Referral Components for instructions for referral packet compliance.

508.12 Interstate Independent Adoptions Which Require the Appointment of a Guardian

- (1) A guardian for the child must be appointed in the sending state in those referrals in which no COFC or private LCPA is involved.
- (2) A person who may not act as guardian in this situation includes:
 - (a) either birth parent;
 - (b) either adoptive parent.
- (3) A person who may act as guardian includes any competent adult other than those listed in subsection 508.12 (2).

NOTE: This guardian shall be a full guardian of the person (child), willing and able to assume full financial responsibility for the child should the child not be legally adopted in either Indiana or the other state. This responsibility includes the return of the child to the sending state.

508.2 Referral Components

An ICPC referral for these types of placements must contain the same elements as a referral from the COFC, with the exception of numbers 6, 12, and 13 of 507.1 Referral Components.

508.21 Elements Unique to Independent Adoption Referral

The following items must be included for independent adoption referrals only:

- (1) Legal documentation of the child's availability for adoption in the form of either:
 - (a) a court order terminating parental rights and the appointment of a guardian for the child; or
 - (b) a notarized surrender of parental rights to an LCPA.
- (2) Background information on the birth parents.
- (3) A family preparation assessment. The assessment must include:
 - (a) a limited criminal history check through State Police on both prospective adoptive parents.

- (b) a Sex Offender Registry check on both prospective adoptive parents.

(See Section 7, Appendix QQ.)

The referral packet is to be submitted to the ICPC Office with three (3) identical copies of the packet and a completed State Form 106/FPP 0100A, (five of the six plies) to the Indiana ICPC Office. Upon receipt, the ICPC Office will review the referral for accuracy and completeness, sign it, and forward it to the other (receiving) state for referral to their local agency.

Upon receipt of a report from that local agency, the receiving state is to forward the report and the State Form 106/FPP 0100A to the Indiana ICPC Office, indicating whether placement is approved or denied. The ICPC Office is to forward that form to the LCPA or attorney who originally made the referral.

508.3 Complete ICPC Process for Independent Adoptions

See Section 5, subsections 507.3, 507.4, and 507.5

509 International Adoptive Placement (Foreign Orphan Adoptions)

Please refer to subsection 706.332 of the Manual regarding international adoptions.

510 Definition of a Visit

Please refer to Regulation No. 9 in Section 5, Appendix A of this Manual for the definition of a visit.

511 Responsibility Under the ICPC – Retention of Jurisdiction

Article V (a) of the ICPC specifically states that the sending agency shall retain the same jurisdiction over the child that it would have had if the child had remained in the sending agency's state. This jurisdiction shall include the legal and financial responsibility to return the child to the sending state and shall remain in effect until the child:

- (1) is adopted;
- (2) reaches majority;
- (3) becomes self-supporting; or
- (4) is discharged with the concurrence of the appropriate authority in the receiving state.

The sending agency shall continue to have financial responsibility for the support and maintenance of the child during the period of placement.

512 Interstate Child Protection Service Alerts

Please refer to Section 2 of this Manual regarding child protection service alerts.

513 Other Compacts

There are two other Interstate Compact Offices which deal with children who are either adjudicated delinquents or mentally challenged.

513.1 Interstate Compact on Juveniles

Indiana is a member of the Interstate Compact on Juveniles, which is administered by the Indiana Judicial Center. The Compact pertains to children who have been adjudicated delinquent and are on probation. Interstate Compact on Juveniles referrals must be submitted by the probation officer for all parent, relative, and foster care placements being planned in other states. This allows for probation services to be provided in the other state. All 50 states are members of this Compact. Referrals for planning and service are to be directed to:

Indiana Judicial Center
115 West Washington Street, Room W1075
Indianapolis, IN 46204-3417

513.2 Interstate Compact on Mental Health

Indiana is a member of the Interstate Compact on Mental Health, which is administered by the Division of Mental Health. The Compact pertains to persons who have been declared mentally ill, mentally retarded, or developmentally disabled. Placements of children under this Compact are made only from one state institution, state hospital, or other medical facility caring for this population to a similar state facility in another state.

Referral for planning and service should be directed to:

Mental Health Compact Administrator
402 West Washington Street, Room W451
Indianapolis, IN 46204-2739

514 Interstate Court Ordered Custody Studies

If another state sends a request for a custody study to the ICPC Office, it will be forwarded to the COFC for action. See Section 10 of this Manual.

APPENDIX – SECTION 5

- A. Interstate Regulations Numbers 0.01 Through 10
 - (1) Regulation No. 0.01, Forms
 - (2) Regulation No. 1, Conversion of Intrastate Placement into Interstate Placement
 - (3) Regulation No.2, Repealed
 - (4) Regulation No. 3, Under Revision
 - (5) Regulation No. 4, Residential Placement
 - (6) Regulation No. 5, Central State Compact Office
 - (7) Regulation No. 6, Permission to Place is Valid for Six Months
 - (8) Regulation No. 7, Priority Placement
 - (9) Regulation No. 8, Change of Placement Purpose
 - (10) Regulation No. 9, Definition of a Visit
 - (11) Regulation No. 10, Guardians
- B. Definitions
- C. State Form 106/FPP 0100A Interstate Compact Placement Request and Related Instructions
- D. State Form 26174/DFC 100B Interstate Compact Report on Child's Placement Status with Related Instructions
- E. State Form 49597(2-00)/ FPP 0100E Indiana Interstate Compact Financial/Medical Plan On the Placement of Children – If Child Is Placed Out-of-State

Regulation No. 0.01.

Forms

1. To promote efficiency in processing placements pursuant to the Interstate Compact on the Placement of Children (ICPC) and to facilitate communication among sending agencies, states and other concerned persons, the forms promulgated by the compact administrators, acting jointly, shall be used by all sending agencies, sending and receiving states, and others participating in the arranging, making, processing and supervision of placements.
2. The forms currently in effect are presented in this regulation. These forms shall be reproduced in sufficient supply by each of the states to meet its needs and the needs of persons and agencies required to use them.
3. ICPC forms shall be uniform as to format and substance.
4. Forms currently in effect are the following: ICPC-100A, 100-B, 100-C, 100-D, and the ICPC 101.
5. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
6. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

APPENDIX A (Cont'd)

Regulation No. 1

Conversion of Intrastate Placement into Interstate Placement:

Relocation of Family Units

1. Regulation No. 1 as first effective May 1, 1973, is repealed and is replaced by the following:
2. A placement initially intrastate in character becomes an interstate placement subject to the Interstate Compact on the Placement of Children (ICPC) if the child's principal place of abode is moved to another state.
3. If the child is to be sent or brought to the receiving state more than forty-five (45) days in the future, the normal procedures of ICPC for an interstate placement shall be initiated. However, the ICPC-100A and the information accompanying it shall make it specific and clear that the relocation of a family unit is involved and that the family home is not yet in the receiving state. As much information as reasonably possible shall be given to the receiving state concerning the location and character of the intended family home in the receiving state.
4.
 - (a) In any instance where the decision to relocate into another state is not made until forty-five (45) days or less before the date on which it is intended to send or bring the child to the receiving state, an ICPC-100A and its supporting documentation shall be prepared immediately upon the making of the decision, processed promptly by the sending agency's state compact administrator and transmitted to the receiving state compact administrator. The sending agency's state compact administrator shall request that the receiving state provide prompt handling of the case with due regard for the desired time for the child to be sent or brought to the receiving state.
 - (b) The documentation provided with a request for prompt handling shall include:
 - (1) A form ICPC-100A fully completed.
 - (2) A copy of the court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child.
 - (3) A case history for the child.
 - (4) In any instance where the sending state has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification of the custodian(s) and/or their home showing the status of the custodian(s), as qualified custodian(s).

APPENDIX A (Cont'd)

- (5) A copy of the most recent home study of the custodian(s) and any updates to that home study
 - (6) A copy of the child's permanency plan and any supplements to that plan.
 - (7) An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act.
- (c) Requests for prompt handling shall be as provided in paragraph 4 (a) hereof. Some or all documents may be communicated by express mail or any other recognized method for expedited communication. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws.
- (d) In an instance where a custodian(s) holds a current license, certificate or approval from the sending state evidencing qualification as a foster parent or other custodian, the receiving state shall give effect to such license, certificate or approval as sufficient to support a determination of qualification pursuant to Article III (d) of ICPC, unless the receiving state compact administrator has substantial evidence to the contrary. This provision applies to a case which meets the description set forth in paragraph 4 (b) of this regulation.
- (e) The receiving state may decline to provide a favorable determination pursuant to Article III (d) of ICPC if its compact administrator finds that the child's needs cannot be met under the circumstances of the proposed relocation, or until it has the documentation identified in subparagraph (b) hereof.
- (f) If necessary or helpful to meet time requirements, the receiving state may communicate its determination pursuant to Article III (d) to the sending agency and the sending agency's state compact administrator by "FAX" or other means of facsimile transmission. However, this may not be done before the receiving state compact administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed or otherwise sent promptly to meet Article III (d) written notice requirements.
5. If submitted by a custodian(s), a receiving state shall recognize and give effect to evidence that the custodian(s) have satisfactorily completed required training for foster parents or other parent training. Such recognition and effect shall be given if:
- (a) the training program is shown to be substantially equivalent to training offered for the same purpose in the receiving state; and
 - (b) the evidence submitted is in the form of an official certificate or other document identifying the training.

APPENDIX A (Cont'd)

6. Nothing in this regulation shall be construed to alter the obligation of a receiving state to supervise and report on the placement; nor to alter the requirement that the custodian(s) comply with the licensing and other applicable laws of the receiving state after arrival therein.
7. A favorable determination made by a receiving state pursuant to Article 3 (d) of the ICPC and this regulation means that the receiving state is making such determination on the basis of the best evidence available to it in accordance with the requirements of paragraph 4 (b) of this regulation and does not relieve any custodian or other entity of the obligation to comply with the laws of the receiving state as promptly after arrival in the receiving state of the child as possible. If it is subsequently determined that the placement in the receiving state appears to be contrary to the interest of the child, the sending agency shall return the child or make an alternative placement as provided in Article 5(a) of the ICPC.
8. Within thirty (30) days of being notified by the sending state or by the custodian(s) that the custodian(s) and the child have arrived in the receiving state, the appropriate personnel of the receiving state shall make an initial contact with the custodian(s) to ascertain conditions and progress toward compliance with applicable laws and requirements of the receiving state.
9. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
10. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

APPENDIX A (Cont'd)

Regulation No. 2. Repealed

And

Regulation No. 3, Under Revision

(Regulation No. 3 will be promulgated in April, 2000)

Regulation No. 4

Residential Placement

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after April 20, 1983.

1. In determining whether the sending or bringing of a child to another state is exempt from the provisions of the Interstate Compact on the Placement of Children by reason of the exemption for various classes of institutions in Article II (d), the following concepts and terms shall have the following meanings:
 - (a) "Primarily educational institution" means an institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and which:
 - (1) does not accept responsibility for children during the entire year;
 - (2) does not provide or hold itself out as providing child care constituting nurture sufficient to substitute for parental supervision and control or foster care;
 - (3) does not provide any other services to children, except for those customarily regarded as extracurricular or cocurricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a residential basis in the aforementioned school program or programs.
 - (b) "Hospital" means an institution for the acutely ill which discharges its patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care or foster care, and in which a child is placed for the primary purpose of treating an acute medical problem.
 - (c) "Institution for the mentally ill or mentally defective" means an institution which provides medical care and treatment; psychiatric care and treatment, corrective, therapeutic or rehabilitative treatment for mentally ill or mentally defective or retarded persons. Such an institution is not altered in its character as an institution for the mentally ill or mentally defective merely because it provides child care services to these patients as part of a comprehensive regime of treatment.

APPENDIX A (Cont'd)

2. This regulation and the provisions of Article II (d) to which it relates apply only to residential institutions. In cases where children attend school or other educational programs, but are not housed or cared for on a 24-hour a day basis by the school or educational program, and where a placement within the meaning of the Compact occurs, the placement shall be deemed to be made with the person, family, agency or institution which provides the 24-hour a day housing and care during the period of school or other educational attendance. In the case of a hospital or an institution for the mentally ill, defective, or retarded, application hereof is not to instances of outpatient care.
3. A residential institution may be exempt with respect to some children and not exempt with respect to others. The test is whether, in a particular case, the institution provides child caring or other services which, if provided by a family or individual other than the child's parents, would constitute foster care (with or without payment).
4. The type of license, if any, held by an institution is evidence of its character, but whether an institution is either generally exempt from the need to comply with the Interstate Compact on the Placement of Children or exempt in a particular instance is to be determined by the services it actually provides or offers to provide. In making any such determinations, the criteria set forth in this regulation shall be applied.
5. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
6. This regulation is readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

APPENDIX A (Cont'd)

Regulation No. 5

Central State Compact Office

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after April 20, 1982.

Regulation Number 5 as first effective April 1992 is amended to read as follows:

1. It shall be the responsibility of each state party to the Interstate Compact on the Placement of Children to establish a procedure by which all Compact referrals from and to the state shall be made through a central state compact office. The Compact Office shall also be a resource for inquiries into requirements for placements into the state for children who come under the purview of this Compact. The Compact Administrator and deputies appointed by the executive head of each state under Article VII shall be located in this central state compact office.
2. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
3. This regulation is readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

Regulation No. 6

Permission To Place Is Valid for Six Months

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after May 8, 1991.

1. Permission to place a child given pursuant to Article III(d) of the Interstate Compact on the Placement of Children shall be valid and sufficient to authorize the making of the placement identified in the written document (ICPC-100A) by which the permission is given at any time during a period of six (6) months commencing on the date when the receiving state compact administrator signs the notice required by Article III(d). Upon the placement being made, it may continue until one of the events enumerated in Article V(a) of the Compact causes its termination.
2. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
3. This regulation is readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement at its annual meeting of April 1999.

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Regulation No. 7

Priority Placement

1. Words and phrases used in this regulation shall have the same meanings as those ascribed to them in the Interstate Compact on the Placement of Children (ICPC). A word or phrase not appearing in ICPC shall have the meaning ascribed to it by special definition in this regulation or, where not so defined, the meaning properly ascribed to it in common usage.
2. Whenever a court, upon request, or on its own motion, or where court approval is required, determines that a proposed priority placement of a child from one state into another state is necessary, the court shall make and sign an order embodying that finding. The court shall send its order to the Sending Agency within two (2) business days. The order shall include the name, address, telephone number, and if available, the FAX number, of the judge and the court. The court shall have the sending agency transmit, within three (3) business days, the signed court order, a completed Form 100A ("Request for Placement") and supporting documentation pursuant to ICPC Article III, to the sending state Compact Administrator. Within a time not to exceed two (2) business days after receipt of the ICPC priority placement request, the sending state Compact Administrator shall transmit the priority request and its accompanying documentation to the receiving state Compact Administrator together with a notice that the request for placement is entitled to priority processing.
3. The court order, ICPC-100A, and supporting documentation referred to in Paragraph Two (2) hereof shall be transmitted to the receiving state Compact Administrator by overnight mail together with a cover notice calling attention to the priority status of the request for placement. The receiving state Compact Administrator shall make his or her determination pursuant to Article III (d) of ICPC as soon as practicable but no later than twenty (20) business days from the date the overnight mailing was received and forthwith shall send the completed 100-A by FAX to the sending state Compact Administrator.
4.
 - (a) If the receiving state Compact Administrator fails to complete action as the receiving state prescribed in Paragraph Three (3) hereof within the time period allowed, the receiving state shall be deemed to be out of compliance with ICPC. If there appears to be a lack of compliance, the court, which made the priority order, may so inform an appropriate court in the receiving state, provide that court with copies of relevant documentation in the case, and request assistance. Within its jurisdiction and authority, the requested court may render such assistance, including the making of appropriate orders, for the purpose of obtaining compliance with this Regulation and ICPC.
 - (b) The foregoing shall not apply if:
 - (1) within two (2) business days of receipt of the ICPC priority placement request, the sending state Compact Administrator determines that the ICPC request documentation is substantially insufficient, specifies that additional information is needed, and requests the additional documentation from the sending agency. The request shall be made by FAX, or by telephone if FAX is not available, or

APPENDIX A (Cont'd)

- (2) within two (2) business days of receipt of the ICPC priority placement request, the receiving state Compact Administrator notifies the sending state Compact

Administrator that further information is necessary. Such notice shall specifically detail the information needed. For a case in which this subparagraph applies, the twenty (20) business day period for the receiving state Compact Administrator to complete action shall be calculated from the date of the receipt by the receiving state Compact Administrator of the information requested.

- (c) Where the sending state court is not itself the sending agency, it is the responsibility of the sending agency to keep the court, which issued the priority order, informed of the status of the priority request.
5. A court order finding entitlement to a priority placement shall not be valid unless it contains an express finding that one or more of the following circumstances applies to the particular case and sets forth the facts on which the court bases its finding:
 - (a) the proposed placement recipient is a relative belonging to a class of persons who, under Article VIII(a) of ICPC could receive a child from another person belonging to such a class, without complying with ICPC and; (1) the child is under two (2) years of age; or (2) the child is in an emergency shelter; or (3) the court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient.
 - (b) the receiving state Compact Administrator has a properly completed ICPC-100A and supporting documentation for over thirty (30) business days, but the sending agency has not received a notice pursuant to Article III (d) of ICPC determining whether the child may or may not be placed.
 6. Time periods in this regulation may be modified with a written agreement between the court which made the priority order, the sending agency, the receiving state Compact Administrator, and the sending state Compact Administrator. Any such modification shall apply only to the single case to which it is addressed.
 7. To fulfill its obligations under ICPC, a state and its local agencies must process interstate cases no less quickly than intrastate cases and give no less attention to interstate hardship cases than to intrastate hardship cases. If in doing so, a receiving state Compact Administrator finds that extraordinary circumstances make it impossible for it and its local agencies to comply with the time requirements set forth in this regulation, it may be excused from strict compliance therewith. However, the receiving state Compact Administrator shall, within two (2) business days of ascertaining inability to comply, notify the sending state Compact Administrator via FAX of the inability to comply and shall set forth the date on or before which it will complete action. The notice shall contain a full identification and explanation of the extraordinary circumstances which are delaying compliance.
 8. Unless otherwise required or allowed by this regulation, all transmittals of documents or other written materials shall be by overnight express mail carrier service.

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9. This regulation as first effective October 1, 1996, is readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

Regulation No. 8

Change of Placement Purpose

1. An ICPC-100B should be prepared and sent in accordance with its accompanying instructions whenever there is a change of purpose in an existing placement, e.g., from foster care to preadoption even though the placement recipient remains the same. However, when a receiving state requests a new ICPC 100A in such a case, it should be provided by the sending agency and transmitted in accordance with usual procedures for processing of ICPC-100As.
2. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
3. This regulation as first effective April 30, 1997, is readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting in April 1999.

APPENDIX A (Cont'd)

Regulation No. 9

Definition of a Visit

1. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child's place of abode.
2. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
3. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.
4. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 1, it will be presumed that the circumstances constitute a visit rather than a placement.
5. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
6. A request for a home study or supervision made by the person or agency which sends or proposes to send a child on a visit will conclusively establish that the intent of the stay or proposed stay is not a visit.
7. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children.
8. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
9. This regulation as first adopted April 26, 1983, by resolution of the Association of Administrators of the Interstate Compact on the Placement of Children is readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

Regulation No. 10

Guardians

1. **Guardian Defined**

As used in the Interstate Compact on the Placement of Children (ICPC) and in this Regulation:

- (a) “Guardian” means a public or private agency, organization or institution which holds a valid and effective appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child which a parent would have authority and responsibility for doing by virtue of an unrestricted parent-child relationship. Guardian also means an individual who is a non-agency guardian as defined in subparagraph (b) hereof.
- (b) “Nonagency guardian” means an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in subparagraph (a) hereof.

2. **Prospective Adoptive Parents Not Guardians**

An individual with whom a child is placed as a preliminary to a possible adoption cannot be considered a non-agency guardian of the child, for the purpose of determining applicability of ICPC to the placement, unless the individual would qualify as a lawful recipient of a placement of the child without having to comply with ICPC as provided in Article VIII (a) thereof.

3. **Effect of guardianship on ICPC Placements**

- (a) An interstate placement of a child with a nonagency guardian, whose appointment to the guardianship existed prior to consideration of the making of the placement, is not subject to ICPC if the sending agency is the child’s parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt.
- (b) An appropriate court of the sending agency’s state must continue its jurisdiction over a non-exempt placement until applicability of ICPC to the placement is terminated in accordance with Article V (a) of ICPC.

4. **Permanency Status of Guardianship**

- (a) A state agency may pursue a guardianship to achieve a permanent placement for a child in the child welfare system, as required by federal or state law. In the case of a child who is already placed in a receiving state in compliance with ICPC, appointment of the placement recipient as guardian by the sending state court is grounds to terminate the applicability of the ICPC when the sending and receiving state compact administrators concur on the termination pursuant to Article V (a). In such an instance, the court which appointed the guardian may continue its jurisdiction if it is maintainable under another applicable law.

APPENDIX A (Cont'd)

- (b) If, subsequent to the making of an interstate placement pursuant to ICPC, a court of the receiving state appoints a non-agency guardian for the child, such appointment shall be construed as a request that the sending agency and the receiving state concur in the discontinuance of the application of ICPC to the placement. Upon concurrence of the sending and receiving states, the sending agency and an appropriate court of the sending state shall close the ICPC aspects of the case and the jurisdiction of the sending agency pursuant to Article V (a) of ICPC shall be dismissed.

5. Guardian Appointed by Parent

If the statutes of a jurisdiction so provide, a parent who is chronically ill or near death may appoint a guardian for his or her children, which guardianship shall take effect on the death or mental incapacitation of the parent. A nonagency guardian so appointed shall be deemed a nonagency guardian as that term is used in Article VIII (a) of ICPC, provided that such nonagency guardian has all of the powers and responsibilities that a parent would have by virtue of an unrestricted parent-child relationship. A placement with a nonagency guardian as described in this paragraph shall be effective for the purposes of ICPC without court appointment or confirmation unless the statute pursuant to which it is made otherwise provides and if there is compliance with procedures required by the statute. However, the parent must be physically present in the jurisdiction having the statute at the time that he or she makes the appointment or expressly submits to the jurisdiction of the appointing court.

6. Other Definitions of Guardianship Unaffected

The definitions of “guardian” and “nonagency guardian” contained in this regulation shall not be construed to affect the meaning or applicability of any other definitions of “guardian” or “nonagency guardian” when employed for purposes or to circumstances not having a bearing on placements proposed to be made or made pursuant to ICPC.

- 7. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
- 8. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

APPENDIX B

DEFINITIONS

Sec. 1. (a) Definitions as used in 470 IAC 3-5.1:

- (1) “Child” means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.
- (2) “Sending agency” means a party state, or officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (3) “Receiving state” means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
- (4) “Placement” means the arrangement for the care of a child by an individual in a free home, in a boarding home, or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

(b) Placements requiring Indiana ICPC approval. The following interstate placements must be approved by the ICPC:

- (1) Child in the custody of an out-of-state court or agency placed in Indiana in an adoptive home, a foster home licensed by the DFC, a parent or relative home or a child caring facility, licensed by the DFC.
- (2) Child in the custody of an out-of-state court or agency moving to Indiana with an adoptive family prior to legal finalization of the adoption.
- (3) Child in the custody of an out-of-state court or agency moving to Indiana with a parent, guardian or relative, or foster family.
- (4) Child not in the custody of an out-of-state court or agency placed in an adoptive home in Indiana.

(c) ICPC office prior approval. The ICPC office must give prior approval before placement of such a child from another state is made. This approval is based on:

- (1) Review by the ICPC office of a current home study of the proposed foster, adoptive or relative home by an Indiana county office of family and children (COFC) or licensed, child placing agency (LCPA).
- (2) Review by the ICPC office and COFC or LCPA of social, medical and legal information on the child(ren) to be placed provided by an out-of-state child placing agency licensed, approved or authorized by the sending state.

Appendix B (Continued)

- (i) If the child is to be adopted in Indiana, legal information must include verification the child is legally free for adoption.
 - (ii) In the case of non-agency sponsored adoptive placements, the social, medical and legal information shall be provided by the child's legal guardian.
- (3) ICPC 100As (INTERSTATE COMPACT APPLICATION REQUEST TO PLACE A CHILD) completed by the sending court or agency and signed by the sending state interstate compact on placement of children (ICPC) administrator.

In the case of non-agency sponsored adoptive placements, there shall be a guardian for the child appointed by a court in the sending state. This guardian may be any competent adult other than either birth parent or either adoptive parent. This guardian shall be a full guardian of the person willing and able to assume full financial responsibility for the child should the child not be legally adopted in Indiana, including returning the child to the sending state.

INSTRUCTIONS
STATE FORM 106 /FPP 0100A
Interstate Compact Placement Request

PURPOSE: This form is initiated by the sending agency to request approval to place a child in another state. It provides relevant information regarding the placement.

Instructions for Completion: Name and address of Compact Administrator To: and From: will be left blank to be completed in the sending state office by the Indiana Compact Administrator.

SECTION I – Identifying Data

Enter full legal name, sex, ethnic group and birth date of the child.

Use the following codes to complete the space for “Ethnic group”:

W/White; B/Black or African American; A/Asian; AI/American Indian or Alaskan Native; NH/Native Hawaiian or Other Pacific Islander; H/Hispanic; U/Unable to Determine.

NOTE: All of the categories listed above are races except “Hispanic”, which is an ethnicity. Therefore, if a person has Hispanic ethnicity, an “H” should be used following another letter representing the person’s race. Also, the category “Unable to Determine” is to be used very sparingly in situations such as those involving a Baby Doe or a person who refuses to identify his/her race.

SECTION II – Placement Information

Institutional care refers to a group care facility which serves only delinquent children and which is being proposed as a resource under the specification of Article VI of the ICPC.

LEGAL STATUS

Self explanatory

NOTE: Unaccompanied Refugee Minor: This form is not used to report the initial placement into the United States but to request placement and services in a second state after a U.S. agency or court has been granted full legal responsibility (custody/guardianship). If this is an Unaccompanied Refugee Minor whose status warrants the ICPC-100As specific to those children (not the legal responsibility of a U.S. agency or court), do not use this form.

SECTION III – Services Requested

The 100A is to be signed and dated by the agency person legally responsible for the child and counter signed by the Sending State’s Compact Administrator or alternate.

SECTION IV – Action by Receiving State

Self-explanatory

INSTRUCTIONS
STATE FORM 26174 /DFC FORM 100B
Interstate Compact Report on Child's Placement Status

PURPOSE:

To inform the respective state of any changes of status in a child's interstate placement.

INSTRUCTIONS FOR COMPLETION:

The form will be completed by the respective public or private agency making the report of a change as follows:

- A. Identifying Information.
- B. Placement Status, **date must be included.**
- C. Compact Termination, **date must be included.**
- D. Signatures, Person/Agency signs in first block and identifies agency. **Date must be included.**